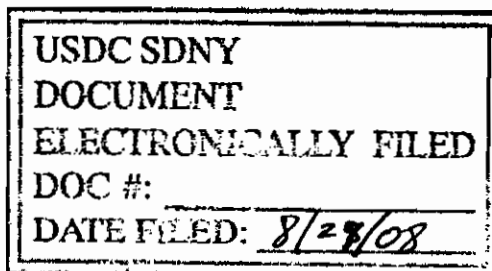


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x



LAMONT MAJOR,

Plaintiff,

-against-

**STIPULATION AND
ORDER OF
SETTLEMENT AND
DISMISSAL**

THE CITY OF NEW YORK, CAPTAIN
MORALES # 1300, CORRECTION OFFICERS
HAYDEN #9367, and OFFICERS JOHN DOE AND
RICHARD ROE (the names and number of whom
are unknown at present),

07 CV 3738 (DC)

Defendants.

-----x

WHEREAS, plaintiff commenced this action by filing a complaint on May 11, 2007, alleging violations of his civil rights; and

WHEREAS, defendants City of New York, Michael Morales, and Calvin Hayden have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, defendant City of New York has made an Offer of Judgment in this matter pursuant to Rule 68 of the Federal Rules of Civil Procedure, which was accepted by plaintiff; and

WHEREAS, under the terms of the Offer of Judgment defendant City of New York agreed to pay plaintiff reasonable attorneys' fees and costs incurred in the prosecution of his federal claims asserted pursuant to 42 U.S.C. § 1983 to the date of the offer as specified in the Offer; and

WHEREAS, plaintiff and defendants now wish to resolve the issues raised without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amounts specified in paragraphs "2," "3," and "5" below.

2. The City of New York shall pay plaintiff Fifty Thousand and One Dollars (\$50,001.00), plus reasonable attorneys' fees, expenses, and costs to May 19, 2008, in full satisfaction of all claims against defendants. In consideration for the payment of this sum, plaintiff Lamont Major agrees to dismissal dismissal of all of the claims against defendants City of New York, Michael Morales, and Calvin Hayden, and to release the defendants, and any present or former employees or agents of the City of New York, the New York City Department of Correction, the New York City Department of Health and Mental Hygiene, the New York City Health and Hospitals Corporation, and any other agency of the City of New York, from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff hereby assigns his rights to attorneys' fees, expenses, and costs to his attorney, Earl Ward, Esq.

4. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraphs "2," "3," and "5" of this Stipulation and Order and an Affidavit of No Liens.

5. The City of New York hereby agrees to pay counsel for plaintiff, Earl Ward, Esq., the sum of Fourteen Thousand Seven Hundred and Seventeen Dollars (\$14,717.00) in full satisfaction of all of plaintiff's attorneys' fees, expenses, and costs in this matter within 90 days of the date that the Court "So Orders" this Stipulation and Order of Settlement and Dismissal.

6. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

7. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, the New York Department of Correction, or any other agency of the City of New York.

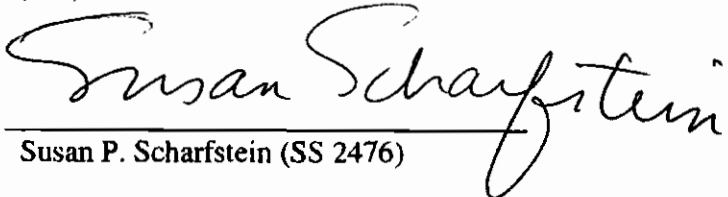
8. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
August 25, 2008

EARL WARD, ESQ.
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MICHAEL A. CARDOZO
Corporation Counsel of the City of
New York
Attorney for Defendants
100 Church Street
New York, NY 10007
(212) 227-4071

By: 
Earl Ward (EW *2875*)

By: 
Susan P. Scharfstein (SS 2476)

SO ORDERED:


DENNY CHIN, U.S.D.J.

8/29/08